

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SPA SYSPATRONIC AG,)	
)	Civil Action No. 2:09-cv-373
Plaintiff,)	
)	
v.)	
)	
)	
)	JURY DEMANDED
INGENICO INC.,)	
)	
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff SPA Syspatronic AG (hereinafter "Syspatronic"), by its counsel, alleges as follows:

NATURE OF THE ACTION

1. This action is for injunctive relief and damages for patent infringement by Defendant Ingenico Inc. (hereinafter "Defendant") of United States Patent No. 5,093,862 owned by Syspatronic.

THE PARTIES

2. Plaintiff Syspatronic is a corporation of Switzerland, having a principal place of business at Lauriedstrasse 7, CH-6300 ZUG, Switzerland.

3. On information and belief, Defendant Ingenico Inc. is a corporation organized and existing under the laws of the State of Georgia with a principal place of business at 6195 Shiloh Road, Suite D, Alpharetta, GA 30005.

4. Defendant manufactures, sells, and offers to sell credit card payment modules and terminals in this district and throughout the world.

JURISDICTION AND VENUE

5. This is an action for patent infringement. The claims arise under the patent laws of the United States, Title 35 §§ 1 et seq.

6. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, Defendant is subject to personal jurisdiction within this district because Defendant has availed itself to the laws of the state of Texas and conducts business activities in the Eastern District of Texas. These business activities include systematically and continuously selling and offering to sell credit card payment modules and terminals throughout the Eastern District of Texas.

8. On information and belief, Defendant regularly directs contacts toward the residents of the Eastern District of Texas. Such contacts include developing a commercial and interactive website available to the residents of the Eastern District of Texas. The website promotes and facilitates the transaction of business between its visitors to the web site and the Defendant.

9. On information and belief, through their acts of infringement, Defendant has harmed the interests of Syspatronic and caused damages in the Eastern District of Texas.

10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C. § 1400(b).

THE PATENT IN SUIT

11. United States Patent No. 5,093,862 ("the '862 patent") (attached hereto as Exhibit A), entitled "Data Carrier-Controlled Terminal in a Data Exchange System," was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on July 18, 1989.

12. Syspatronic is the owner by valid assignment of all right, title, and interest in the '862 patent.

COUNT I; INFRINGEMENT OF THE '862 PATENT

13. Syspatronic incorporates by reference each and every allegation set forth in paragraphs 1 through 12 of the Complaint.

14. On information and belief, Defendant Ingenico Inc. has been and is infringing, contributing to the infringement of, and/or inducing the infringement of one or more claims of the '862 patent pursuant to 35 U.S.C. §271 by making, using, selling, and/or offering for sale products and technology covered by the '862 patent itself and through its customers. The infringing products include, by way of example, eN Touch 1000 and the i6550, the i6580, the i6770, and the i6780 product families including the contactless expansion module.

15. By reason of Defendant's acts alleged herein, Syspatronic has suffered, is suffering, and will continue to suffer injury to its business and property rights for which it is entitled to damages in an amount to be proved at trial.

16. As a result of Defendant's infringement of the '862 patent, Syspatronic has suffered, is suffering, and will continue to suffer irreparable harm unless such acts are enjoined by the Court.

17. Upon information and belief, Defendant's infringement of the '862 patent was and is willful and with full knowledge of the '862 patent, thereby rendering this case exceptional under 35 U.S.C. § 285 and entitling Syspatronic an award of reasonable attorneys fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff SPA Syspatronic AG respectfully requests the following relief:

- A. Judgment that Defendant has infringed, directly or indirectly, one or more claims of the '862 patent and that such infringement has been and is willful;
- B. A permanent injunction restraining and enjoining Defendant and its officers, agents, attorneys and employees, and those acting in privity or concert with them, from engaging in further acts of infringement of the '862 patent;
- C. An award to Plaintiff SPA Syspatronic AG of all compensatory damages resulting from the direct and/or indirect infringement by the Defendant of the '862 patent, including pre-judgment and post-judgment interest;
- D. Increased damages as permitted under 35 U.S.C. §284;
- E. A finding that this case is exceptional, and an award to Plaintiff SPA Syspatronic AG's of its attorneys' fees, expenses, and costs as provided by 35 U.S.C. § 285;
- F. Judgment directing Defendant to pay costs and expenses in this action; and
- G. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38 and Loc. Civ. R. 38, Plaintiff SPA Syspatronic AG hereby respectfully demands a trial by jury as to all issues so triable.

Dated: December 3, 2009

By: /s/ Michael Hartmann (by Collin
Maloney with permission)
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